

RECORD SUSPENSIONS/PARDONS

Key Messages

- Our Government understands that pardons, or record suspensions as they have been known since 2012, are the final step in the reintegration process. A criminal record can impact access to good employment as a criminal record check may be a requirement. Reducing the barriers to the pardons systems to simplify the application process is our objective.
- Our Government wants to ensure that the waiting period, fee and purpose of the pardon program are fair, proportionate, and have as a fundamental goal, the ability to allow people living crime-free to become fully contributing members of society.
- We are currently leading a review of the pardons system and the *Criminal Records Act*, including issues such as changes to the eligibility waiting period and the fees associated with the application process.
- The Prime Minister has said that the Government wants to ensure the program is fair to people now living crime-free, and that it keeps our communities safe.

RECORD SUSPENSIONS/PARDONS

If pressed on details relating to review of the pardon system

- In spring 2016, a public consultation on pardon application user fees was undertaken, as was a broader public online consultation on record suspensions in fall 2016.
- The results of these consultations will be used to guide reforms.

If pressed on plans to grant pardons to those convicted of simple possession of cannabis

- Anyone with a conviction of simple possession of cannabis (under 30 grams) is eligible to apply for a record suspension though the Parole Board of Canada five years after completion of their sentence.
- Protecting Canadians is our Government's priority, and we will do this by implementing evidence-based criminal justice policies that are proven to support rehabilitation, prevent crime and victimization, and keep our communities and citizens safe.

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If pressed on plans to grant pardons to those convicted of simple possession of cannabis

- There are currently no plans to retroactively grant pardons to those convicted of simple possession of cannabis (under 30 grams).
- Anyone with such convictions is eligible to apply for a record suspension through the Parole Board of Canada five years after completion of their sentence.
- Protecting Canadians is our Government's priority, and we will do this by implementing evidence-based criminal justice policies that are proven to support rehabilitation, prevent crime and victimization, and keep our communities and citizens safe.

QUESTIONS AND ANSWERS

RECORD SUSPENSIONS

Q1. What is a record suspension?

A1: A record suspension allows people who were convicted of a criminal offence, but have completed their sentence and demonstrated they are law-abiding citizens, to have their criminal record kept separate and apart from other criminal records. Under the *Criminal Records Act* (CRA), the Parole Board of Canada (PBC) may order, refuse to order or revoke record suspensions for convictions under federal acts or regulations of Canada.

Q2. What is the effect of a record suspension?

A2: All information pertaining to convictions will be taken out of the Canadian Police Information Centre (CPIC) and may not be disclosed without permission from the Minister of Public Safety Canada. The CRA applies only to records kept within federal departments and agencies. However, many of the provincial and municipal law enforcement agencies cooperate by restricting access to their records once notified that a record suspension has been ordered.

The *Canadian Human Rights Act* forbids discrimination based on a record suspension conviction. This includes services a person needs or the opportunity to work for a federal agency. The CRA states that no employment application form within the federal public service may ask any question that would require an applicant to disclose a conviction. This also applies to a Crown corporation, the Canadian Forces, or any business within the federal authority.

Q3. How many people are charged with marijuana possession?

A3: More than half of all drug offences reported by police are for marijuana possession.

In 2014, there were nearly 60,000 police-reported marijuana possession offences reported. Of these, just over 22,000 resulted in a charge for possession of marijuana.

Q4. What are the implications of having a criminal record?

A4: A criminal record can impact an individual's social and economic wellbeing. People with criminal records may have difficulty finding employment and housing, and may be prevented from travelling outside of Canada.

Pardons/record suspensions facilitate the successful reintegration of offenders into society by reducing the barriers posed by having a criminal record, such as being unable to secure housing or employment, and assist them in becoming fully-contributing members of society.

Q5: Is the Government of Canada planning to grant pardons/record suspensions to Canadians who have a criminal record for marijuana possession offences, as part of its commitment to legalize the drug?

A5: In Canada any individual convicted of simple possession of up to 30 grams of marijuana is punishable by a fine of up to \$1000 and up to six months in jail. Five years after the conviction is handed down, these individual are eligible to apply for a record suspension through the PBC.

There is recognition that a record suspension for marijuana possession could benefit convicted individuals by improving an array of social-economic measures, including housing and employment opportunities, which could reduce reliance on social income and housing support programs, for example.

The impacts of a criminal record for simple possession of marijuana is one of the many issues that will be examined by Task Force on Marijuana Legalization and Regulation and government officials in the course of the work to legalize, regulate and restrict access to marijuana. Any changes to the current approach to issuing of pardons will await the government's consideration of the recommendation of the Task Force on Marijuana Legalization and Regulation.

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